



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

A dead body is not property in the strict sense of the common law, but it is a quasi property, and those having it in charge hold it as a trust which a Court of Equity will regulate, *Cunningham v. Reardon*, 98 Mass. 538, but there is not any universal rule as to the burial of the dead applicable alike to all cases, and each case must be considered in equity upon its own merits, though the paramount right is in the surviving husband or wife. *Pettigrew v. Pettigrew*, 207 Pa. St. 313. The majority of cases show that the surviving husband or wife has the superior right to the body before or after burial, as in the case of *Durell v. Hayward*, 9 Gray. 248, where the relatives of the deceased placed a tombstone over the grave, without the consent of the surviving husband, and it was held that he could remove it, though this right is subject to statutory provisions in some states, as in the case of *Young v. The School of Physicians and Surgeons*, 81 Md. 358, where, under a local law of Baltimore City, the coroner had power to hold inquests and to order autopsies, and he ordered the autopsy and mutilated the body without the consent of the widow, he was held not liable for the same.

DEEDS—PRESUMPTION AS TO DELIVERY.—*CRABTREE V. CRABTREE*, 113 N. W. (IOWA) 123.—*Held*, where a deed bears one date and the certificate of acknowledgment a later date, the date of the certificate is presumed to be the time of delivery.

Generally, the date of the deed is presumptively the date of delivery. *Wickham v. Morehouse*, 16 Fed. 324; *Smith v. Porter*, 10 Gray. 66. The burden of proof is on the party alleging the contrary. *Williams v. Armstrong*, 130 Ala. 389. Possession of deed by grantor subsequent to date of deed refutes presumption. *Harris v. Norton*, 16 Barb. 264. By weight of authority this presumption is not overcome by the fact that the certificate of acknowledgment bears a later date. *Biglow v. Biglow*, 56 N. Y. Supp. 794; *Hardin v. Crote*, 78 Ill. 533. Some courts, nevertheless, hold that date of acknowledgment is presumptively the date of delivery. *Atlantic City v. New Auditorium Pier Co.*, 63 N. J. Eq. 644. But in some jurisdictions this is because acknowledgment is necessary to a valid execution of the deed. *Bailey v. Selden*, 124 Ala. 403.

DIVORCE—DECREE—SETTING ASIDE.—*WOOD V. WOOD*, 113 N. W. (IOWA) 492.—*Held*, that a decree in a divorce suit may be assailed the same as any other judgment where property interests are directly affected, and may be vacated after the death of the parties.

In England, sentences of divorce could not at first be re-examined after death of one of the parties, *Robertson v. Stollage*, Cro. & Jac. 186, but the rule now is that it can be opened when fraud is charged. *Harrison v. Southampton*, 21 Eng. L. Eq. 343. Early American cases recognized the right, but were doubtful as to procedure, *Wren v. Moses*, 7 Ill. 72, but the authorities are practically unanimous now, that, in the absence of statutory qualifications, a decree of divorce may be vacated after death of parties, *Fidelity Ins. Co.'s Appeal*, 93 Pa. St. 242, *Adams v. Adams*, 51 N. H. 388, when obtained by fraud, *Brown v. Grove*, 116 Md. 84; but not for mere gratification of personal feeling, *Nichols v. Nichols*, 25 N. J. Eq. 60, or for purely sentimental reasons, *Lawrence v. Nelson*, 113 Iowa 277; but there must be property rights involved, *Johnson v. Coleman*, 23 Wis. 452, *Bousta v. Johnson*, 38 Minn. 230. Tennessee, Colorado and Washington seem to be the only exceptions. Tennessee Statute provides that the only method of reviewing